Environment Act

Chapter One
GENERAL PROVISIONS

Section I
Field of Application and Scope

Art. 1. This Act regulates:

1. the protection of the environment and human health;
2. the use and conservation of environmental components;
3. control and management of environmental degradation factors;
4. conservation of biodiversity in view of the natural biogeographic characteristics of Bulgaria;
5. strategies, programs and plans dealing with the environment;
6. control of the state and condition of the environment and of pollution sources;
7. gathering of, and access to, environmental information;
8. relevant financial and economic mechanisms;
9. the rights and obligations of the state, municipalities, legal entities and physical persons relevant to environmental protection;
10. the implementation of preventive measures in environmental protection;
11. the prevention and limitation of above-standard industrial pollution;
12. the national environmental monitoring system.

Article 2. The goals of this Act are achieved by means of:

1. regulation of the regimes for use and conservation of environmental components;
2. control of the condition and use of environmental components and the sources of pollution and environmental degradation;
3. definition of admissible emission and environmental quality standards;
4. management of environmental components and factors;
5. environmental impact assessment;
6. the issue of comprehensive permits for pollution prevention and control;
7. definition and management of protected areas;
8. development of a system for the monitoring of environmental components;
9. introduction of economic regulators and financial mechanisms for environmental management;
10. Definition of the rights and obligations of the state, municipalities, legal entities and physical persons.

Article 3. The protection of the environment proceeds from the following principles:

1. sustainable development;

2. reduction and prevention of hazards to human health;
3. prevention, on a priority basis, of pollution and subsequent elimination of ensuing damages;
4. public involvement in, and transparency of, the decision-making process pertinent to environmental protection;
5. public awareness of the state and condition of the environment;
6. the 'polluter pays' policy;
7. conservation, development and protection of ecosystems and their inherent biodiversity;
8. rehabilitation and amelioration of the quality of the environment in polluted and degraded areas;
9. prevention of pollution and environmental degradation and of other detrimental impacts in the clean areas in the country.

Article 4. For the purposes of this Act, environmental components are: atmospheric air, waters, soils, the earth bowels, wildlife and the landscape.

Article 5. For the purposes of this Act, the factors of environment pollution or degradation are: ionizing radiation, radio frequency and microwave electromagnetic radiation, heat radiation, noise, vibrations, solid waste; harmful and hazardous substances and the over-use of natural resources.

Article 6. The management, conservation and control of environmental components and factors affecting them follow a procedure defined by law and by special legislation dealing with environmental components.

Article 7. In the event of trans-boundary pollution, the provisions of agreements and treaties to which the Republic of Bulgaria is a party shall apply.

Section II
The State Environmental Protection Policy

Article 8. The state environmental protection policy is implemented by the Minister of Environment and Waters.

Article 9. The integration of state environmental protection policy into the government policies dealing with individual sectors: transport, energy, agriculture, tourism, industry, is carried out by the competent executive authorities.

Article 10. (1) Supervision of the National Environmental Monitoring System is carried out by the Executive Environmental Agency (EEA) under the Minister of the Environment and Waters.

(2) The Executive Environmental Agency is a legal entity.

(3) The Executive Environmental Agency is supervised and represented by an executive director.

(4) The activities, structure, operation and composition of the Executive Environmental Agency are governed by a set of Procedural Regulations adopted by the Council of Ministers.

Article 11. (1) At a regional level, the state environmental protection policy is carried out by regional inspectorates of environment and waters (RIEW), national park directorates and water basin directorates; these are specialized bodies reporting to the Minister of the Environment and Waters.

(2) The bodies as per (1) above are legal entities funded by the state budget and are represented by the respective directors or officials authorized by them.

(3) The bodies as per (1) above are secondary users of budget credit funds supervised by the Minister of the Environment and Waters.

(4) The bodies as per (1) above implement the state environmental protection policy at a regional level, in accordance with this Act and with the special legislation.

(5) The directors of regional inspectorates of the environment and waters, of national parks and of water basin directorates are authorized to book offenders, as well as to enforce coercive administrative measures and penalties against them.

(6) The number, scope, subject of activity and prerogatives of RIEWs, of the national park directorates and of the water basin directorates are defined by sets of regulations issued by the Minister of the Environment and Waters.

Article 12. (1) For the purposes of this Act, competent authorities are defined as:

1. the Minister of the Environment and Waters;

2. the Executive Director of the EEA;

3. the RIEW directors;

4. the directors of water basin directorates;

5. the directors of national park directorates;

6. the mayors of municipalities.

(2) The following officials are authorized to take action and carry out measures as required by law:

1. Within the territory of a single municipality: the RIEW director or the mayor of the municipality;
2. Within the territories of several municipalities covered by the same RIEW: the director of the respective inspectorate;
3. Within the territories of several municipalities covered by the different RIEWs: the Minister of the Environment and Waters.

(3) For the purposes of administrative procedure pursuant to the Administrative Procedures Act, the authority directly superior to the mayor of a municipality is the director of the RIEW; and the authority superior to the latter is the Minister of the Environment and Waters.

Article 13. The Minister of the Environment and Waters:

1. develops, in conjunction with the relevant government authorities, the policy and strategy of the state for environmental protection in the Republic of Bulgaria;
2. manages the National Environmental protection Fund;
3. monitors the state and condition of the environment in the country's territory;
4. coordinates the supervisory prerogatives of other government authorities relevant to the environment;

5. prepares an annual reports on the state and condition of the environment;
6. in conjunction with the relevant government authorities:
    a) approves harmful emission and concentration standards by area, environmental component and type of pollutant;
    b) approves environmental impact assessment techniques;
    c) approves standards for the use of renewable and non-renewable natural resources;
    d) supervises activities related to the gathering and presentation of information on the state and condition of the environment.

Article 14. The municipal authorities:
1. manage the Municipal Environmental Protection Fund;
2. inform the population about the state and condition of the environment as required by law;
3. organize the disposal of waste and hazardous substances in the territory of the municipality and the conservation of green belts in the populated areas;
4. control waste gathering, storage, processing and/or elimination, including the separate collection of household and construction waste within the municipality;
5. in conjunction with other authorities, develop and supervise the implementation of plans for the elimination of consequences from accidents and burst pollution within the municipality;
6. supervise the construction, maintenance and proper operation of waste water treatment installations for the populated areas;
7. establish volunteer eco-inspectorates empowered to book administrative offenders;
8. perform their official functions pursuant to the special environmental legislation.

Article 15. (1) The following bodies shall be established under the Minister of the Environment and Waters:

1. Higher Ecological Council of Experts;

2. advisory councils on the environmental components management policy.

(2) Expert ecological councils shall be established under the regional inspectorates of the environment and waters.

(3) The functions, objectives and composition of bodies as per (1) and (2) above are defined by a set of regulations issued by the Minister of the Environment and Waters.

Article 16. In their broadcasts, the national public radio and television operators shall:
1. disseminate environmental protection and management information;
2. guarantee the public's right to know, relevant to the state and condition of the environment;
3. publicize achievements of science and technology in the field of environmental protection by broadcasting Bulgarian and foreign educational programs;
4. protect national interests in the sphere of the environment by means of their programming policy.

Chapter Two
INFORMATION REGARDING THE STATE AND CONDITION OF THE ENVIRONMENT

Article 17. Every citizen is entitled to access the available environmental information without the requirement to provide proof of specific interest.

Article 18. The information about the environment comprises:

1. available raw data;

2. available information that has undergone preliminary processing;

3. specifically processed information.

Article 19. Information about the state and condition of the environment is any information in written, visual, audio, electronic or other material form regarding:

1. the state and condition of environmental components such as atmospheric air, waters, soils, land, the earth bowels, landscape, plant and animal species (including genetically modified organisms), and the interaction among these;

2. factors such as ionizing radiation, radio frequency and microwave electromagnetic radiation, noise, vibrations, solid waste, harmful and hazardous substances, and the activities and measures, including administrative measures, agreements, policies, legislation, plans and programs impacting or capable of impacting the environmental components.

Article 20. (1) The Council of Ministers shall submit, on an annual basis, a report to the National Assembly regarding the state and condition of the environment as proposed by the Minister of the Environment and Waters. The said report, having been approved by the National Assembly, shall be published as the State of the Environment Yearbook.

(2) The report as per (1) above must be submitted to the National Assembly within three months from receipt of the relevant data and the information from the National Statistical Institute.

Article 21. (1) For the purposes of this chapter, competent authorities are the central and territorial government authorities pursuant to Art. 19 of the Administration Act responsible for the gathering and management of environmental information, as well as mayors of municipalities.

(2) Competent authorities as per (1) above are also the heads of other bodies and organizations authorized to dispose of the funds of the consolidated state budget and responsible for the gathering and management of environmental information.

(3) Competent administrations are administrations headed by bodies and officials as per (1) and (2) above.

Article 22. (1) Access to information is restricted in cases where such access may negatively affect:

1. the confidentiality of the work of government bodies in accordance with legal requirements, international relations and national defense;

2. national security;

3. matters which are or have been the subject of judicial inquiry or preliminary court proceedings;

4. commercial industrial secrets, including intellectual property;

5. the confidentiality of personal data;
6. materials provided by a third party for which no such legal obligation exists;
7. the interests of a third party which has provided the required information without a legal obligation to do so and without the possibility of such an obligation being imposed, and where the said third party objects to public access to said information.

(2) The information possessed by the competent authorities shall be made available for public access insofar as it can be separated from the information as per (1) above.

(3) No restrictions upon public access to information shall apply to quantifiable data regarding emissions of harmful substances into the environment in terms of compliance of such emissions with standards as set by the applicable legislation.

Article 23. (1) In cases of emergency or other incidents of pollution where the standards for emission of pollutants into the environment, as set by legislation or decree, are exceeded, the guilty parties or those responsible for enforcing the standards must notify without delay the mayors of the respective municipalities, the regional inspectorate of the environment and waters, as well as the Civil Defense Agency and the Committee for the Use of Atomic Energy for Peaceful Purposes, where the incident has caused environmental damage leading to changes in the radioactivity situation.

(2) The competent authorities as per (1) above must notify without delay the competent authorities of the Ministry of Public Health and the affected population of the pollution and must prescribe appropriate measures for the protection of human health and property.

Article 24. Physical persons and legal entities gather and provide information about the environment to the competent authorities in cases as required by law.

Article 25. (1) A person who wishes to receive environmental information must submit a written request to that effect to the competent authority as per Article 21 above.

(2) The said request for information must contain:

1. the full name of the person, or the name of the legal entity and the full name of its authorized representative;
2. a description of the type of information requested;
3. the format/carrier of the information requested;
4. a mailing address for the reply and a telephone/fax number for contacts;

(3) The request for information is duly entered in the filing department of the competent authority.

Article 26. (1) Where the competent authority is in possession of the information requested and there are no restrictions to the access thereto, the information shall be provided to the applicant within two weeks from receipt of the request.

(2) If the information requested is in the format of copies of documents or audio and video tapes, or of database files, the provision of the required carriers shall be considered as constituting a formal response to the request.

(3) Where the information requested is voluminous and provision thereof is difficult for practical reasons, the competent authority may set a date and time within the period as per (1) above, for the interested person to become acquainted *in situ* with the available information.

Article 27. (1) Where the competent authority does not possess the requested information as per Art. 18, items 1 and 2 above, or where access thereto is restricted, or the requested information is stored by a different authority, the competent authority shall notify the applicant to that effect within ten days from receipt of the request.

(2) The competent authority shall proceed in accordance with (1) above in cases where specifically processed information is requested. In the notification, the competent authority shall define the terms and conditions for concluding a contract for the use of specifically processed information.

Article 28. (1) Refusal by the competent authority to grant access to the requested information, as well as instances where such information is presented in format other than that stated in the request, may be appealed against as provided pursuant to the Public Records Act.

(2) Refusals as per (1) above must be formulated in writing and a formal response to that effect must be given to the applicant as per Art. 25 (1) within two weeks from receipt of the request for the provision of information.

Article 29. In cases where the refusal appealed against concerns information necessary for the applicant to prepare their defense pertinent to legal proceedings as provided pursuant to this Act, or pursuant to special environmental legislation, all correspondence to that effect shall be submitted to the court of law within three days of receipt of the claim.

Article 30. (1) Applicants as per Art. 25 (1) above shall be charged a fee for the information received.

(2) The amount of the fee and the manner of payment thereof is determined by decree of the Council of Ministers.

(3) Fees as per (1) above go towards covering the expenses of the competent administrations for providing the requested information.

Article 31. Fees for specifically processed information requested by an applicant are agreed for each individual case.

Article 32. Proceeds from the provision of information are remitted as revenue to the budget of the authorities and organizations providing the information.

Article 33. The competent authorities are obligated to exchange, without charge, any available raw data and pre-processed environmental information among themselves; as well as to provide such information, also without charge, to the municipalities and regional governors as necessary for the discharge of their duties

Article 34. The procedures of gathering, processing and provision of information by the competent authorities is regulated by decree of the Council of Ministers.

Chapter Three
USE AND CONSERVATION OF THE ENVIRONMENTAL COMPONENTS

Section I
General Provisions

Article 35. The non-commercial use of the environmental components for one's own needs is free for all, except in cases explicitly provided pursuant to this Act and to special environmental legislation.

Article 36. The commercial use of environmental resources as components of the environment defined by law is subject to a fee.

Article 37. All persons engaged in activities as per Arts. 35 and 36 above must protect and strive to restore the environment.

Section II
Use and Conservation of Waters and of Aquatic Sites

Article 38. (1) The use and conservation of aquatic sites is the subject of a long-term policy of the state.

(2) The said long-term policy for the use and conservation of waters and aquatic sites is based on the management of water resources at both national and basin levels, aimed primarily at achieving a proper state and condition of all surface and underground aquifers and ensuring the requisite quantity and quality of water for:

1. drinking purposes, for the present and the future generations;
2. maintaining the status of natural aquatic as well as terrestrial ecosystems;
3. economic activities.

Article 39. (1) The use of waters and aquatic sites is defined as including the drawing of water from said aquatic sites as well as the use of said aquatic sites themselves.

(2) The right to use waters and aquatic sites is exercised:

1. without a permit;
2. with a special permit;
3. by concession.

(3) Where the right to use the waters and aquatic sites is granted by way of various regimes to the same holder, the strictest regime shall apply.

(4) The use of water from the aquatic sites is subject to the condition that the user must ensure the requisite minimum water flow therein to maintain the ecological viability of the site.

Article 40. The conservation of waters and aquatic sites shall ensure:

1. prevention of further degradation and pollution of surface aquifers;
2. restoration of water quality in once polluted surface aquifers, conservation of the proper condition thereof and attainment of water quality standards;

3. prevention of further deterioration of water quality in underground aquifers, regeneration of once polluted underground aquifers and a proper balance between the use and natural replenishnment of underground waters.

Article 41. The use and conservation of waters and aquatic sites must comply to the Waters Act.

Section III
Soil Conservation

Article 42. (1) Soil conservation contributes to the effective protection, above all, of human health and natural soil functions.

(2) The protection of soils and underground aquifers against pollution with natural or artificial fertilizers and plant protection agents must be implemented through the application of sound farming practices.

Article 43. Legal entities and physical persons using soil as a means of production or otherwise impacting it must not cause detrimental changes in the soils within their own or within neighboring plots.

Article 44. The owners and users of land plots must make steps to prevent the threat of detrimental changes in the soils.

Article 45. (1) Persons who have caused detrimental changes in the soil must restore, at their own expense, the natural qualities and functions of the soil to an extent where no further permanent or long-term threat or harm should occur to human beings.

(2) The owners and users of underground or above-ground pipelines, open water transportation, irrigation, ameliorative or any other facilities must maintain those in proper repair and must not allow pollution or other harmful changes of the surrounding soils.

Article 46. (1) The humus layer of the soil is placed under special protection.

(2) Prior to construction or exploration, prospecting for or extraction of underground minerals, the humus soil layer must be carefully stripped, properly disposed of and utilized in accordance with the existing legislation.

(3) Construction as per (2) above must not cause pollution or damage to the in adjacent plots.

(4) Legal entities or physical persons who have caused damage to the humus layer through construction of any facilities, through exploration, prospecting for and extraction of underground minerals, shall be liable to administrative and civil sanctions.

Article 47. Owners and operators of waste disposal facilities, including landfills, tailings ponds, slack dumps etc., or of facilities for the storage of waste and/or hazardous chemical agents, products or substances, must organize and operate those in a manner not allowing pollution of or damage to in adjacent plots.

Section IV
Use and Conservation of the Earth Bowels

Article 48. (1) The earth bowels may be used for:

1. exploration, prospecting for and extraction of underground mineral deposits;
2. prospecting for and extraction of underground water;
3. other purposes, such as: industrial and civil construction, construction of defense facilities, waste disposal and storage, scientific research etc.

Article 49. The conservation of the earth bowels and the rehabilitation of sites damaged by geological prospecting and mining works must be the main obligation of anyone involved in prospecting for and utilization thereof.

Article 50. The conservation of the earth bowels is ensured by:

1. sustainable use and conservation of underground mineral resources and of aquifers;
2. environmentally sound storage of mining and processing waste;
3. reclamation of exhausted mining and processing sites and waste deposits for ecological and commercial purposes;
4. restoration and/or reclamation of sites damaged from geological prospecting and mining.

Article 51. The use and conservation of the earth bowels in the course of exploration, prospecting for and extraction of underground mineral resources must comply with the provisions of this Act and of the Underground Mineral Resources Act.

Article 52. The conservation of the earth bowels in the course of exploration, prospecting for, use and conservation of underground aquifers must comply with the provisions of the Waters Act.

Article 53. The conservation of the earth bowels in the course of the use thereof for other purposes must comply with this Act with the Limitation of the Harmful Impact of Waste on the Environment Act.

Section V
Use and Conservation of Biodiversity

Article 54. (1) Natural habitats and the inherent biodiversity thereof are Subject to conservation and protection.

(2) The conservation of the diversity of natural habitats and wildlife species must take place in compliance with special legislation.

Article 55. Wildlife species must be utilized in a manner and by means ensuring the sustainable development of their populations in their natural habitats.

Article 56. (1) Long-term and annual plans and programs shall be developed for the conservation and utilization of forests, game, fish, medicinal plants, mushrooms and other renewable natural resources.

(2) The plans and programs as per (1) above shall be prepared subject to terms and procedures as provided pursuant to the relevant special legislation.

Article 57. The use of forests, game, fish, medicinal plants, mushrooms and other renewable natural resources in state-owned and municipal lands and waters shall be subject to payment of fees as determined in the relevant special legislation.

Section VI
Protection of Atmospheric Air

Article 58. The government policy of atmospheric air purity protection is designed to ensure:

1. protection of the health of the population and of its future offspring, of animals and plants; their communities and habitats; of natural and cultural assets against harmful impacts; prevention of threats and damages to society as a result of changes in atmospheric air quality, ozone layer depletion and climate changes resulting from various human activities;
2. preservation of the quality of atmospheric air in areas where it is not damaged, as well as improvement thereof in the remaining areas.

Article 59. The conservation of atmospheric air is subject to sustainable state policy; it complies with Chapter Seven of this Act and the provisions of the Atmospheric Air Purity Act.

Section VII
Waste Management

Article 60. Waste management aims to prevent, reduce or restrict the harmful impact of waste on human health and the environment; it is carried out by means of:

1. prevention or reduction of the accumulation of waste and its hazardous potential, through:
    a) development and use of techniques ensuring the rational utilization of natural resources;
    b) development and commercial distribution of fully or partially recyclable or disposable products;
    c) development of appropriate techniques for the ultimate disposal of hazardous substances contained in the waste designed for recycling or processing;
2. utilization of waste by recycling, reuse or regeneration or by other processes of extracting usable materials or by using waste as an energy source.

Article 61. Persons generating waste or involved in waste treatment must take steps to ensure the recycling and disposal thereof in a manner that is not harmful to human health and shall use processes or methods that are not detrimental to the environmental components, namely:

1. free of hazards to waters, air, soils, plants and animals;
2. free of additional noise or odor pollution;
3. having no damaging effect to nature or special purpose sites.

Article 62. Waste management must be carried out in accordance with the procedures set forth in this Act and in the Limitation of the Harmful Impact of Waste on the Environment Act.

Chapter Four
ECONOMIC ORGANIZATION OF THE ENVIRONMENTAL PROTECTION ACTIVITIES

Article 63. A National Environmental Protection Fund (NEPF) and municipal environmental protection funds (MEPF) are established, respectively under the Ministry of the Environment and Waters and with individual municipalities.

Article 64. (1) Funds within the NEPF are managed by a Managing Board chaired by the Minister of the Environment and Waters.

(2) The Managing Board of the National Environmental Protection Fund comprises 13 members, including: a deputy Minister of the Environment and Waters in the position of Deputy Chairman of the Managing Board; a deputy minister each of Finance, of Regional Development and Public Works, of the Economy, of Transportation and Communications, of Agriculture and Forests, of Public Health, of Labor and Social Policy; a deputy Chairman of the State Energy Efficiency Agency, deputy Chairman of the State Agency for Power Generation and Energy Resources; one representative each of the Bulgarian Academy of Sciences and of a non-governmental environmental organization which is not registered as a political party and whose subject of activities relates in a comprehensive manner to environmental issues.

(3) The Minister of Environment and Waters appoints the representative of the non-governmental environmental organization to the Managing Board.

(4) The Managing Board is assisted by the administration of the Ministry of the Environment and Waters.

Article 65. (1) Funds within the Municipal Environmental Protection Funds are managed by a Managing Board chaired by the Mayor of the municipality.

(2) The Managing Board must comprise no fewer than 5 members, including, *ex officio*, one representative each of the Regional Inspectorate of the Environment and Waters, the Hygiene and Public Sanitation Inspectorate and the Municipal Council. The composition and size of the Managing Board is determined by the municipal council.

(3) Day-to-day activities having to do with the preparation and organization of Managing Board meetings and control of the implementation of its decisions shall be carried out by officials or administrative units in the municipality appointed by the Mayor.

Article 66. (1) Funds for the NEPF are collected from:

1. liquid fuel taxes pursuant to Art. 32 of the Atmospheric Air Purity Act;
2. 10 per cent of fines imposed by the Ministry of the Environment and Waters or by its authorized agencies for damages or pollution of the environment in excess of the admissible levels as per Article 72 hereof;
3. fees collected by the Ministry of the Environment and Waters pursuant to Article 75 (1) hereof;
4. state budget fund earmarked for ecological programs pursuant to a decision to that effect of the competent authorities;
5. donations by local and foreign physical persons and legal entities;
6. compensation from foreign physical persons and/or legal entities pursuant to court and arbitration rulings on damages and/or missed benefits involving state property as a result of pollution of waters, the air and soil in excess of admissible levels;

7. repayment of, and interest on loans provided by the Fund;
8. proceeds from interests on deposits;
9. penalties for administrative violations of this Act;
10. other sources of revenue as defined under the law.

(2) Funds within the NEPF shall be expended on environmental projects and activities prioritized in accordance with national ecological strategies and programs.

(3) The funds shall be expended as grants, interest-free loans and soft loans.

Article 67. (1) Funds within the MEPF are collected from:
1. 80 per cent of fines for damages or pollution of the environment in excess of the admissible levels under Article 72 of this Act collected by the municipality where the facility subject to the fine is located;
2. fines for violation of the municipal council regulations dealing environmental protection pursuant to Art. 22 (2) of the Local Self-Government and Local Administration Act, as well as from fines and penalties pursuant to the same Act imposed by mayors of municipalities;
3. donations by local and foreign physical persons and legal entities;
4. funds provided gratuitously by the NEPF for construction of environmental facilities, for purchasing of environment-related equipment and for environmental activities;
5. interest-free loans provided by the MEPF for construction of environmental facilities, for purchasing of environment-related equipment and for environmental activities;
6. compensations received from other municipalities pursuant to court rulings for damages and/or mixed benefits as a result of damages to the environment;
7. proceeds from interests on deposits;
8. other sources of revenue as defined under the law.

(2) Funds within the MEPF shall be expended as grants for environmental projects and activities, prioritized according to the municipal environmental programs.

Article 68. The procedures regarding the collection, expending and control of funds within the National Nature Protection Fund and in the municipal environmental protection funds are determined by decree of the Council of Ministers.

Article 69. (1) A National EcoTrust Fund (NETF) is established as a legal entity based in Sofia for the management of proceeds from "Debt for Environment" and "Debt for Nature" swap deals and of funds provided by governments and international financial institutions, aimed at environmental protection in the Republic of Bulgaria.

(2) The governing bodies of NETF are:
1. The Managing Board;
2. The Advisory Council;
3. The Executive Bureau.

(3) The Managing Board is six-strong; it comprises a chairman, a deputy chairman and four members, all appointed by the Council of Ministers following nomination by the Minister of the Environment and Waters.

(4) The Advisory Council comprises representatives of governments, financial and other institutions providing funds or assistance to the NETF.

(5) The Managing Board shall adopt Statutes governing its activity.

(6) The Executive Bureau assists the NETF in carrying out its activities.

Article 70. The raising, expenditure and control of funds within the National EcoTrust Fund shall be regulated by decree of the Council of Ministers.

Article 71. (1) The NETF draws its funds from the following sources:

1. allocations from the state budget generated from proceeds from "Debt for Environment" and "Debt for Nature" swaps;
2. donations from international financial institutions, governments, international funds and foreign companies provided in support of ecological programs and projects;
3. grants from international foundations and donations from foreign citizens in support of the environmental policy of the state;
4. repayment of, and interest on loans provided through the fund;
5. interest on the NETF accounts with the servicing bank;
6. other external sources corresponding to the nature of the activities of the NETF.

(2) The funds within the National EcoTrust Fund shall be expended on ecological projects and activities subject to conditions set by the donors and in accordance with the priorities of the national ecological strategies and programs.

Article 72. (1) In the event of environmental damage or pollution by private businesses and legal entities in excess of the admissible levels, the offenders shall be penalized in accordance with the law.

(2) The procedure of imposing fines and penalties for environmental damage or in excess of the admissible levels is regulated by decree of the Council of Ministers.

Article 73. (1) Where the persons penalized under article 72 (1) undertake steps to comply with the established standards in accordance with investment programs approved by the Minister of the Environment and Waters, they shall pay only 5% of the amounts due in a manner determined by the said Minister.

(2) The procedure and conditions for reduction of the amounts due as per (1) are determined by decree of the Council of Ministers as per Art. 72 (2) of this Act.

(3) I the event of non-compliance with the terms and conditions as per (1) above, the Minister of the Environment and Waters shall demand payment of the full monthly amount of the fine due for the entire elapsed period for which the fine had been originally imposed, with interest.

Article 74. (1) All expenses pertinent to the control of environmental components and factors shall be reimbursed to the RIEW by the offending parties whose activities have resulted in the penalized environmental pollution and/or damage in excess of the established standards and restrictions.

(2) The following monies shall be remitted as revenue to the budget of the Ministry of the Environment and Waters:

1. proceeds from the provision of environmental information;
2. proceeds from agreements on the provision of specifically processed information;

3. proceeds from reimbursement of expenses as per (1) above;
4. 10 per cent of all penalties imposed by the Ministry of the Environment and Waters or by its specialized units for damages or pollution of the environment in excess of the admissible levels as per Art. 72;
5. donations.

(3) Proceeds as per (2) above shall be expended on durable assets, current expenses and material incentives for personnel within the Ministry of Environment and Waters; these must be budgeted in accordance with the uniform budget categorization.

(4) The procedure of allocation of expenses as per (1), and the collection and budgeting of monies as per (2) above is determined by the Minister of the Environment and Waters in coordination with the Minister of Finance.

Article 75. (1) The Ministry of the Environment and Waters collects fees for administrative services in relation to the formulation of environmental impact assessment statements, the issue of permits, licenses, registration, coordination of certificates, projects, facilities and activities.

(2) The order of setting and collecting the fees as per (1) above is determined by decree of the Council of Ministers.

Article 76. (1) Imports of in fulfillment of delivery contracts signed pursuant to international agreements and/or treaties in compliance with Art. 5 (1) of the Constitution of the Republic of Bulgaria, and financed or co-financed without compensation by funds pursuant to the said international agreements and/or treaties, regardless of the amount of co-financing, are exempted from value added tax, excise duty, customs duties and any other levies, if such imports are intended for environmental protection projects.

(2) Deals involving goods or services subject to taxation pursuant to the Value Added Tax Act, where such deals are concluded between the Ministry of the Environment and Waters and Bulgarian or foreign nationals and are financed or co-financed directly from aid received pursuant to international agreements and/or treaties and in compliance with Art. 5 (4) of the Constitution of the Republic of Bulgaria, regardless of the amount of co-financing, are exempted from value added tax , if such deals are intended for environmental protection projects.

(3) The circumstances as per (1) are confirmed in writing for each individual case by the deputy Minister of the Environment and Waters to the competent customs office.

Article 77. On recommendation by the Minister of the Environment and Waters in coordination with the Minister of Finance and in compliance with the State Budget Act, annual funds may be allocated from the state budget for the implementation of priority environmental projects and activities included in the national environmental strategies and programs.

Article 78. On recommendation by the mayor of the respective municipality, funds for the implementation of priority environmental projects and activities included in the municipal environmental protection programs may be allocated every year from the municipal budget.

Chapter Five
ENVIRONMENTAL STRATEGIES AND PROGRAMS

Article 79. (1) The National Environmental Strategy and municipal environmental programs are tools for the implementation of this Act; as such, they are developed in keeping with the environmental protection principles as per Art. 3.

(2) The Minister of the Environment and Waters, in coordination with the Minister of Public Health, the Minister of Regional Development and Public Works, the Minister of Transportation and Communications, the Minister of Agriculture and Forests and other interested Ministers and heads of government agencies, develop and submit for approval by the Council of Ministers the National Environmental Strategy.

Article 80. (1) The National Environmental Strategy is developed for a period of 10 years and must contain:

1. an analysis of the current state and condition of the environment by environmental components, the factors affecting them, as well as the trends, causes and sources of pollution and environmental damage by sectors of the economy; the institutional framework, administrative and economic policy implementation tools;
2. the possibilities for, and limitations to the implementation of the strategy on a national and international level;
3. objectives and priorities – inter-sectoral (for all components) and by component;
4. tools for the implementation of the goals;
5. a five-year action plan stating specific institutional, organizational and investment measures, deadlines, the institutions responsible, the resources required as well as possible sources of funding;
6. a proposed pattern for the organization, supervision and reporting of the implementation of the action plan, for assessment of results, and, where necessary, for undertaking steps to correct flaws therein;
7. others.

(2) The main criteria for setting priorities are:

1. reduction and prevention of human health hazards;
2. reduction and prevention of threats to biodiversity;
3. slowing down the depletion of natural resources and energy sources;
4. the expected effect on the development of economic sectors, notably tourism and agriculture.

(3) Specific criteria may also be used for setting the priorities for each individual component.

(2) Every year the Minister of the Environment and Waters submits to the Council of Ministers a report on the implementation of the action plan and, where necessary, proposals for updating the National Environmental Strategy and the action plan.

Article 81. The national plans and programs regarding environmental components and the factors affecting them must be developed in view of the principles, objectives and priorities of the National Environmental Strategy and in compliance with the special legislation.

Article 82. The strategies, plans and programs for the development of the national economy or of separate sectors thereof on both national and regional levels must integrate provisions of envi-

ronmental protection pursuant to the principles and objectives of this Act and of the National Environmental Strategy.

Article 83. (1) Within one year from the entry into force of this Act, the mayors of municipalities must develop environmental protection programs for the respective municipality in accordance with instructions by the Minister of the Environment and Waters.

(2) The programs as per (1) above must cover a period of implementation of no less than three years.

(3) The territorial administrative units under the respective ministries must assist in the development of programs through their experts and by providing relevant information. The development, updating and supplementation of programs may involve representatives of non-governmental organizations, businesses and trades unions.

(4) The programs must be coordinated with the Regional Inspectorates of the Environment and Waters and approved by the Municipal Councils.

(5) Every year the mayor of every municipality must submit to the Municipal Council a report on the implementation of the environmental program and, where necessary, proposals for updating that program.

(6) Reports as per (5) above are also presented to the RIEW by way of information.

Article 84. Proposals by municipalities for the funding of projects from the state budget and from the national funds may be granted only provided that a municipal environmental program is in place stating the priority accorded to the project subject to the proposal.

Chapter Six
ENVIRONMENTAL IMPACT ASSESSMENT

Article 85. (1) An environmental impact assessment (EIA) is performed on:

1. investment plans and programs for development on a national or regional level; investment plans and programs in areas such as: transportation, energy, waste management, water resources management, industry, incl. the mining of mineral resources, telecommunications, tourism and land use; on inventories and amendments thereto, the implementation of which may involve a considerable environmental impact;
2. proposals and project solutions in construction, in activities and technologies as per Appendices 1 and 2.

(2) An environmental impact assessment as per (1) item 1 above defines, describes and assesses potential significant impacts on the environment as a result of the implementation of the plan or program, and weighs up reasonable alternatives, in view of the objectives and territorial scope of the plan or program, aimed at protecting human health, improving the quality of the environment, the rational use of natural resources and sustainable development.

(3) An environmental impact assessment as per (1) item 2 above defines, describes and assesses, in a manner appropriate for each individual case, the possible direct and indirect impacts of the proposed construction work, economic activities and technologies on humans and on the environmental components: wildlife, soils, water, air, climate and landscape, the earth bowels, and material and cultural heritage and their complex interaction.

Article 86. (1) An environmental impact assessment as per Art. 85 (1) item 1 above is carried out simultaneously with the preparation of the plan or program and must conform in full with any steps taken for their improvement.

(2) An environmental impact assessment as per Art. 85 (1) item 2 above must conform in full with the applicable procedures for approval of the proposals and project solutions and must be carried out prior to the approval of the blueprints for construction.

(3) Where the realization of the proposal involves other, auxiliary or supporting activities related to the activity that is the principal subject of assessment, for which an environmental impact assessment is mandatory, the assessments of the individual proposals must be carried out in a mutually complementary manner.

(4) Before and unless all requirements of the EIA statement are met:

1. no programs or plans can be approved;
2. no construction permits can be issued.

Article 87. (1) An environmental impact assessment is carried out mandatorily on:

1. proposals for construction, activities and technologies as list in Appendix 1;
2. proposals for construction, activities and technologies having a potential trans-boundary impact on the environment in accordance with Appendix 1 to Article 2 of the Convention of the Economic Commission for Europe under the United Nations on the assessment of environmental impacts in a trans-boundary context, ratified by a special act (SG # 28, 1999);

(2) No environmental impact assessment is carried out on proposals for construction, activities and technologies related to national defense.

Article 88. (1) The need to carry out an environmental impact assessment as per Art. 85 (1) item 2 above is established by the Ministry of the Environment and Waters in accordance with criteria as per (3) therein for each individual case in the following cases:

1. proposals for new construction, activities and technologies in protected areas as listed in Appendix 2; proposals for extension and/or changes in the production activities of a facility within a protected area;
2. proposals for extension and/or changes of the production activity of a facility in cases as per Appendix 1 to this Act as well as Appendix 1 to Article 2 of the Convention of the Economic Commission for Europe under the United Nations on the assessment of environmental impacts in a trans-boundary context;
3. new construction, activities and technologies listed as per Appendix 1 to this Act, intended exclusively or primarily for the development and testing of new industrial methods or products for a period of maximum two years;

(2) The need to carry out an environmental impact assessment as per Art. 85 (1) item 2 above is established by the regional inspectorates of the environment and waters in accordance with criteria as per (3) for each individual case in the following cases:

1. proposals for new construction, activities and technologies as listed in Appendix 2;
2. proposals for extension and/or changes of the production activity of a facility in cases as per Appendix 2, where such changes have already been approved, implemented or are in the process of implementation and where such changes may have a significant detrimental environmental impact.

(3) The need to carry out an environmental impact assessment as per Art. 85 (1) item 2 above is established in conformity with the following criteria:

1. description of the proposed construction, activities and technologies: size, scale, interrelation with other activities, use of natural resources, accident-proneness;
2. location: sensitivity of the environment, current land use, quality and regeneration capacity of natural resources in the area, absorption capacity of the natural environment, notably:

    a) protected areas and sites;

    b) mountainous and wooded areas;

    c) wetlands and coastal zones;

    d) areas with above-standard pollution;

    e) highly urbanized areas;

    f) zones of cultural, historical, architectural or archaeological significance;

    g) areas and/or zones of specific sanitation status or subject to health protection.

3. description of the potential impacts: range, population, size, complexity, probability, duration, frequency, reversibility;
4. public interest in, and social significance in the construction proposal, activities or technologies.

(4) The authorities as per (1) and (2) above must rule on the need for an environmental impact assessment within 1 month from the date of application by the investor or proposal initiator. The said authorities must publicly support their ruling with relevant arguments.

(5) The ruling for or against an environmental impact assessment may be appealed by any interested parties in compliance with the Administrative Procedure Act.

(6) Within the deadline as per (4) above, the mayor of the respective municipality must rule on proposals deemed by the authorities as per (1) and (2) as not requiring an environmental impact assessment; the mayor's ruling must estimate the environmental impact of such proposals in accordance with the procedures pursuant to decree of the Council of Ministers.

Article 89. (1) In relation to Article 12 above, the competent authorities as per (1) and (2) above are the Minister of the Environment and Waters and the directors of regional inspectorates of the environment and waters.

(2) The authorities as per (1) are competent to make decisions concerning environmental impact assessments, as follows:

1. The Minister of the Environment and Waters: in regard to proposals as per Art. 87 (1) above, in accordance with the criteria of competence as per Appendix 1; in cases of establishing the need as per Art. 88 (1) above and in regard to any proposals for construction, activities or technologies in protected areas;
2. Directors of regional inspectorates of the environment and waters: in regard to proposals as per Art. 87 (1) above, in accordance with the criteria of competence as per Appendix 1; in case of establishing the need as per Art. 88 (2) above.

(3) In cases where a proposal involves new construction, activity or technology, as well as extension and/or changes of the production activity of a facility as per Appendices 1 and 2, and where the proposed location is in a territory under the jurisdiction of two or more regional inspectorates of the environment and waters, the authority competent to rule on the need for an environmental impact assessment is the Minister of the Environment and Waters.

Article 90. (1) The investor or proposal initiator must inform the competent authorities and the affected population in writing at the earliest phase of proposal.

(2) The authorities as per Art. 89 above, within their competence relevant to the environmental impact assessment, provide advice and consultation in regard to:

1. specific features of the proposed construction, activities and technologies, and the extent of advancement of the project solution;
2. characteristics of the existing environment;
3. the significance of the expected environmental impacts;
4. terms of reference regarding the scope and content of the assessment;
5. framework of research as needed for the assessment;
6. acceptable and reasonable alternatives;
7. the affected population: interests and opinions;
8. sources of information used;
9. environmental impact assessment and prognostication techniques;

Article 91. (1) The investor commissions independent certified experts, who must declare that they have no stake in the implementation of the proposal and/or project solution(s), nor have participated in the development thereof, to carry out the environmental impact assessment as per Art. 85 (1) item 2 above.

(2) The experts must be guided in their ruling by the principles of reducing hazards to human health risks while ensuring sustainable development in compliance with the applicable standards of admissible environmental pollution levels.

(3) The Ministry of the Environment and Waters keeps a public register of Bulgarian and foreign physical persons as per (1); to be entered in the said public register, they must:

1. possess educational degrees or qualifications in disciplines acquired in institutions of higher learning as listed in the decree as per (7) below;
2. have performed one or more of the following conservational activities for at least five out of the last ten years:

    a) designing;

    b) work in manufacturing enterprises;

    c) preparation of expert assessments, written consultations, environmental impact assessment reports, environmental auditing or analysis;

    d) teaching in institutions of higher learning and/or scientific research;

    e) control functions.

(4) Experts for whom there is evidence that in their previous EIA practice have done one or more of the following, shall automatically be struck from the public register:

1. have issued, at least on one occasion, a conclusion contradicting that issued by the competent EIA authority;
2. have authored sections of environmental impact assessment reports that have been returned three times for re-working following evaluation of the content of the report as per Art. 92 (7).

(5) A certificate of entry into the register or well-grounded written rejection must be issued to the applicant within 14 days.

(6) A rejection as per (5) above may be appealed before the Supreme Administrative Court within 14 days of notification thereof.

(7) The order of establishment and operation of the public register and the procedures for application by candidates for entry therein are determined by decree of the Minister of the Environment and Waters.

Article 92. (1) The investor or proposal initiator must submit the competent authority responsible for the final decision an environmental impact assessment report containing:

1. a summary of the proposal for construction or activity;
2. alternative locations and, where appropriate, negative impact reduction measures, including a “zero” option;
3. description and analysis of environmental components and factors to be affected significantly by the proposal, incl. population, wildlife, soils, waters, air, waste, climate factors, cultural heritage, landscape, and interactions among these;
4. description and analysis of expected significant environmental impacts resulting from:

f) the realization of the proposal;

g) the utilization of natural resources;

h) emissions of harmful substances under normal operation conditions and in emergencies; generation of waste; public inconvenience;

5. information about the methods and techniques used for carrying out the assessment and the environmental impact forecast;
6. steps aimed at preventing, reducing or, where possible, eliminating significant harmful (negative) impacts on the environment and on public health;
7. statements and opinions of the affected parties;
8. conclusion by the assessment experts as per Art. 91 (2);
9. a general (non-technical) summary;
10. difficulties (technical problems, insufficiency or lack of data) encountered while gathering information for the EIA report;
11. other information as deemed appropriate by the competent authority.

(2) All expenses pertinent to the environmental impact assessment shall be borne by the investor or proposal initiator.

(3) The investor or proposal initiator shall provide all information as may be necessary for the assessment, as well as any additional information relevant to the proposal.

(4) All other bodies in possession of information relevant to the assessment being carried out must submit this information in compliance with Chapter Two above.

(5) Should there exist a state, official or other secret protected by law, relevant to the EIA report, the investor or proposal initiator must submit the said secret to the competent authority as a separate appendix to the report.

(6) The authority competent to make the final decision may under no circumstances disclose the information as per (5) above to third parties.

(7) The authority competent to make the final decision evaluates the contents of the report as per (1) in view of the consultations as per Art. 90 (2) above, and for compliance with the provisions of the applicable environmental legislation, not later than 14 days from the deposition of the report as per (1) above.

Article 93. (1) Where the evaluation as per Article 92 (7) above is positive, the investor or proposal initiator must organize a public hearing of the environmental impact assessment report jointly with the affected municipalities, mayor's offices and regions as defined by the competent authority.

(2) All stakeholders, whether physical persons or legal entities, including authorized representatives of the authority competent to make the final decision, the local government administration, public organizations and private citizens, may participate in the hearing as per (1) above.

(3) Within thirty days from receipt of a positive evaluation as per (1) above, the investor or proposal initiator must notify the bodies as per (2) above of the place and date of the hearing though the mass media or by other suitable means.

(4) The investor or proposal initiator and the competent authorities as per Art 89 (1) above shall ensure public access to the environmental impact assessment papers for a period of thirty days.

(5) Within 14 days from the public hearing, the representatives of the public must submit their opinions in writing to the authority competent to make the final decision on environmental impact assessments.

Article 94. (1) In cases where a proposal for construction, activities and technologies within the territory of Bulgaria is expected to have a significant environmental impact in the territory/ies of another country/countries, the competent authority as per Art. 89 (2), item 11 must:

1. notify the potentially affected countries at the earliest possible stage of the proposal but not later than the date of notification of the population of its own country;
2. provide, where participation is agreed, the environmental impact assessment report as per Art. 92 (1) and all relevant information about the procedures and decision making.

(2) If notified of expected significant environmental impact within the Republic of Bulgaria resulting from proposed activities in the territory of another country, the competent authority as per Art. 89 (2), item 1 must:

1. ensure public access to the submitted environmental impact assessment information;
2. ensure that all statements regarding the information as per (1) above are made available prior to any decision being made by the competent authority of that other country.

Article 95. (1) The competent authority must reach a decision not later than 3 months from the conclusion of the hearing as per Art. 93 above, depending on the specificity of the proposal and in full view of the opinions submitted as per Art. 93 (5) above.

(2) The decision as per (1) above must contain:

1. the name of the issuing authority;
2. the name of the investor, place of residence/headquarters thereof;
3. legal argumentation for the decision reached;
4. rationale;
5. prescriptive clauses;
6. terms and conditions of implementation, incl. steps for prevention, reduction or elimination of significant negative impacts; deadlines thereof, where appropriate;
7. permit for the use of a water facility where required pursuant to the Waters Act;
8. conditions of appeal, where available;
9. liability in the event of non-compliance with the conditions set by the decision.

(3) Within 7 days from the adoption of the decision, the competent authority shall:

1. make the decision available to the investor or proposal initiator;
2. issue a formal announcement of the decision through the mass media or by other suitable means.

(4) The competent authority as per (1) above must ensure public access to the content of the decision following its adoption, incl. to any appendices thereto.

(5) Stakeholders may appeal the decision in accordance with the Administrative Procedures Act within 14 days from the announcement as per (3) above.

(6) An EIA decision involving construction or activities not yet in progress is valid for a period of one year.

(7) In the event of change of ownership as per (2), item 2 above, the new investor or proposal initiator must notify the authority issuing the decision.

Article 96. The competent authorities as per Art. 89 must control compliance with the conditions ensuing from the EIA decision.

Article 97. (1) The terms, conditions and procedure for carrying out an environmental impact assessment are determined by decrees of the Council of Ministers.

(2) The decision to initiate an EIA in cases as per Art. 85 (1), item 1 above poses requirements concerning:

1. the arguments and criteria in determining the need for an environmental impact assessment;
2. the bodies or authorities commissioning the plan or program which necessitates the carrying out of an EIA;
3. the competent environmental agencies in relation to the carrying out of an EIA;
4. the experts involved in carrying out an EIA;
5. the procedure and manner of consultations;
6. the procedure and manner of organizing a public hearing of the IEA report;
7. the scope, contents and form of the EIA report;
8. due consideration of the EIA results as stated in the report; of the position of the competent environmental agency of public opinion;
9. the method and procedure of control of compliance with environmental conditions in the implementation of the plan or program.

(3) The decision to initiate an EIA in cases as per Art. 85 (1), item 2 above poses requirements concerning:

1. arguments in determining the need for an environmental impact assessment;
2. the procedure and manner of consultations;
3. the procedure and manner of organizing a public hearing of the IEA report;
4. the scope, contents and form of the EIA report;
5. the arguments for the final decision on the EIA report, incl. due consideration of public opinion;
6. the method and procedure of control of compliance with the conditions set in the EIA decision;
7. the procedure and manner amending and/or confirming the validity of decisions reached.

Article 98. The authority competent to make the decision as per Art. 95 above must keep a public access database containing all data of the assessment procedure, incl. the public hearing, the decision reached and control of subsequent compliance with the EIA decisions.

Chapter Seven
PREVENTION AND LIMITATION OF INDUSTRIAL POLLUTION

Section I
Prevention of Large-scale Industrial Accidents

Article 99. (1) Enterprises and facilities which have on their grounds hazardous chemical substances or agents in quantities equal to or larger than those cited in Appendix 3, must introduce in their practice a system for prevention of large-scale industrial accidents involving hazardous chemical substances or agents, and/or for minimizing the effects thereof on the life and health of humans and the environment.

(2) The system as per (1) above does not apply to:

1. military industrial enterprises, facilities or warehouses;
2. hazards ensuing from ionizing radiation;
3. transportation of hazardous substances or agents or temporary storage thereof in the course of transportation by road, railroad, inland waterway, sea or air, outside the grounds of the enterprises; as well as loading, unloading and moving to or from another transport vehicle to docks, piers or marshaling yards;
4. transportation of hazardous substances or agents by pipeline or pump stations outside the grounds of the enterprises;
5. activities and facilities of the mining industry related to prospecting for and mining of underground mineral resources, incl. of quarries, underground mines and drills;
6. landfills.

Article 100. (1) The authorities competent to enforce a system as per Art. 99 (1) above are the Chief of the Civil Defense Agency, the Minister of the Environment and Waters, the Minister of the Interior, the Director of the National Fire and Emergency Service, the Minister of Regional Development and Public Works, the Minister of Agriculture, the Minister of Labor and Social Policy, the Minister of Public Health and the regional governors.

(2) The Chief of the Civil Defense Agency is responsible for coordination among the competent authorities as per (1) above.

Article 101a. (1) The operator of the enterprises under Art. 99 (1) above must submit to the competent authorities as per Art. 100:

1. a report on the respective enterprise's policy for large-scale accident prevention ensuring a high degree of protection of humans and the environment by adequate means, structures and management systems;
2. a safety report evidencing that the prescribed policy for large-scale accident prevention and the safety management system are in place and operational;
3. an emergency plan stating all steps to be taken on the grounds of the enterprise in an emergency;
4. all necessary information allowing the competent authorities to formulate an emergency plan for action outside the grounds of the enterprise.

(2) The measures necessary for the prevention of large accidents involving hazardous chemical substances or agents and/or for minimizing the effects thereof on the life and health of humans

and the environment, as well as the prerogatives of the competent authorities as per Art 100 (1) above, are determined by decrees of the Council of Ministers.

Section II
Comprehensive Permits

Article 101. (1) The construction and operation of new and the operation of existing technical facilities and installations listed as per Appendix 4 hereto is allowed on the basis of a comprehensive permit pursuant to the terms and conditions of this Chapter and the applicable bylaws regulating its implementation.

(2) The provision of (1) above also apply to extensions of existing technical facilities and installations listed as per Appendix 4 hereto, where these lead to substantial changes in the operational conditions thereof.

(3) The provisions of (1) and (2) above also apply to technical facilities and installations not listed as per Appendix 4 hereto, provided that a written request to that effect is submitted by the respective operators.

(4) Possession of a comprehensive permit for construction and operation of new and/or operation of existing technical facilities and installations overrides requirements for possession of the following permits, licenses, expert assessments or evaluations:

1. as per Art. 37 above and in relation to Article 12 of the Limitation of the Harmful Impact of Waste on the Environment Act;
2. as per Art. 46 (1), item 1, sub-items “a”, “b”, and “e” and item 3 of the Waters Act;
3. as per Art. 14 (3), item 3 of the Protection Against the Harmful Impact of Chemical Substances, Agents and Products Act.

Article 102. Possession of a permit as per Article 101 above is mandatory for obtaining a construction permit.

Article 103. (1) A permit as per Art. 101 (1) above is issued by the Minister of the Environment and Waters.

(2) A permit as per (1) above is required for extension or reconstruction of existing technical facilities and installations listed as per Appendix 4 hereto where this will result in substantial change in the operational conditions thereof.

(3) In the event of a change of ownership, the new owner, whether a legal entity or physical person, assumes all rights and obligations ensuing from the permit.

Article 104. (1) The procedure, terms and conditions for obtaining a permits as per Art. 101 above are determined by decree of the Council of Ministers.

(2) The decree as per (1) above may pose additional requirement to:

1. the contents and form of applications for permit;
2. the terms and methods of selecting the techniques conforming with the best techniques available ;
3. the procedure and manner of reviewing existing permits;
4. the procedure and manner of reporting of harmful emissions.

Article 105. (1) The authority competent to issue, review and/or amend permits as per Art. 101 (1) and (2) is the Minister of the Environment and Waters.

(2) The authority competent to issue, review and/or amend permits as per Art. 101 (3) is the relevant Regional Inspectorate of the Environment and Waters.

(3) The competent authority coordinates the terms, conditions and procedures of issuing permits in cases such procedures involve more than one authority having the respective competences.

(4) The competent authority ensures good coordination between environmental impact assessment procedures and the issue of permits as per Art. 101 above, while ensuring the proper use of all incoming information and EIA conclusions.

(5) The Ministry of the Environment and Waters oversees the development of techniques conforming with the best techniques available and maintains an information system thereof.

Article 106. While operating the respective technical facilities and installations, the operators must ensure:

1. the implementation of all possible steps for preventing pollution through the use of the best techniques available;
2. the implementation of environmental management systems;
3. the prevention of environmental pollution;
4. avoidance of the generation of waste, and where that is not practicable, the proper utilization of waste generated; and where the latter is technically and economically impracticable, the waste generated must be neutralized with a view to reducing and eliminating the harmful impact thereof;
5. efficient energy use;
6. the implementation of all possible measures for preventing industrial accidents and minimizing consequences thereof;
7. making steps to avoid possible risks of pollution by keeping the grounds of the facility in proper order at all times, incl. during off-work hours.

Article 107. (1) In order to obtain a permit as per Art. 101 above, the operators of the technical facilities and installations must apply to the competent authority.

(2) The application as per (1) must contain descriptions of:

1. the facility and all operational regimes thereof;
2. the raw, processed materials and other (including auxiliary) materials used;
3. the type of energy used and/or generated on the site;
4. the grounds of the facility;
5. the type and quantity of emissions expected by components, including an estimate of possible significant environmental impacts thereof;
6. proposed methods and techniques for preventing or, where this is impracticable, for reducing emissions from the installation;
7. the measures for prevention, recycling and/or neutralization of waste generated by the facility;
8. additional measures planned for compliance with the general principles and obligations of the operator as per Art. 106 above;
9. monitoring of the emissions of harmful substances into the environment.

(3) The permit application must also contain a brief (non-technical) summary in keeping with the provisions as per (2) above.

Article 108. (1) A comprehensive permit as per Art. 101 above contains:

1. emission standards and technical measures for compliance therewith, conforming with the best techniques available and techniques, including those intended for emergency operating conditions;
2. all mandatory air, water and land protection measures;
3. monitoring requirements;
4. provisions for minimizing trans-boundary pollution;
5. additional measures for attainment of prescribed standards of environment quality.

(2) The standards and technical measures as per (1), item 1 above prescribed for technical facilities and installations as per Art. 101 (3) may not conform with the best available techniques.

(3) The permit also contains the requisite conditions for ensuring compliance of the facility with the provisions of this Act.

(4) Where compliance as per 3 cannot be attained, no comprehensive permit is issued.

(5) In cases where environmental quality standards prescribed in the permit as per Art. 101 (1) and (2) cannot be attained, the competent authority may require stricter emission standards than those attainable with the best available technology.

Article 109. (1) The permit as per Art. 101 is issued for an indefinite period of time.

(2) Once every five years the issuing authority may review and, where necessary, amend the conditions prescribed in the permit.

(3) A permit may also be reviewed in cases where:

1. significant environmental pollution has been caused by the facility;
2. substantial changes in the operation of the facility have been planned by the operator;
3. substantial changes have been made in the best techniques available allowing significant reduction of environmental emissions not involving excessive cost;
4. change have been made in the operational safety requirements for the installation requiring the use of other techniques;
5. amendments have been made to the applicable environmental legislation.

Article 110. The facility operators must:

1. inform the permit issuing authority of each planned change in the operation of the facility;
2. strictly comply with the permit conditions in the operation of the installation;
3. regularly update the issuing authority of the monitoring results and notify that authority without delay of any industrial accidents or emergencies with a significant negative impact on the environment;
4. provide to representatives of the issuing authority all necessary assistance for carrying out inspections of the installation, taking samples and gathering information relevant to the discharge of their official duties as provided by law;
5. prepare and publish an annual report on the implementation of activities subject to the permit.

Article 111. The issuing authority, in conjunction with the municipalities, publicly announces and provides, for a period of one month, equal access to the permit application and the draft of the permit for all stakeholders and interested parties, incl. in countries affected by the operation of the facility in the event of trans-boundary pollution.

Article 112. (1) Following expiry of the period for public access to the permit application, the issuing authority must issue the comprehensive permit:

1. not later than 5 months thereafter for new technical facilities and installations;
2. not later than 8 months thereafter for existing and operational technical facilities and installations.

(2) The decision to issue a permit issuance is announced through the mass media within 14 days from the date of issue.

(3) Stakeholders may appeal the decision before the respective district court pursuant to the Administrative Procedures Act within 14 days from the date of publication thereof as per (2) above.

Article 113. The respective Regional Inspectorate of the Environment and Waters is responsible for enforcing the conditions as prescribed in the permit as per Art. 101 above.

Article 114. The authority issuing the permit as per Art. 101 above must keep a public access database containing all data pertinent to the issue, reviewing and amendment of the permits.

Article 115. (1) The Environmental Executive Agency must keep a public access database of the emission monitoring results.

(2) All data entered in the record as per (1) are automatically made available to the European Database of Emissions of Harmful Substances.

Article 116. Until the permit as per Art. 101 is obtained, operators of technical facilities and installations listed as per Appendix 4 hereto remain bound by all applicable legal provisions whose validity is superseded by the permit.

Section III
National Environmental Management and Auditing Program and National Ecolabeling Standard

Article 117. Each entity may undertake voluntary conservational commitments while carrying out its activities in the development, production, marketing and use of its products.

Article 118. (1) A National Environmental Management and Auditing Program is hereby established.

(2) The purpose of the National Environmental Management and Auditing Program is to strive for sustained improvement of the conservational efforts of various legal entities and to provide the relevant information to the broad public and to other interested parties.

(3) Such sustained improvement of the conservational efforts of legal entities may be achieved by means of:

1. the establishment and operation of environmental management systems;
2. systematic, objective and periodic assessment of the effectiveness of such systems by way of auditing;

3. publicizing information about, and encouraging public discussions of, environmentally relevant results;
4. active involvement of the staff in environmental management systems.

Article 119. The participation of legal entities in the National Environmental Management and Auditing Program is strictly voluntary.

Article 120. The Minister of the Environment and Waters maintains a public access database of facilities meeting the standards of National Environmental Management and Auditing Program**.**

Article 121. (1) Inspection of the facilities for compliance with the registration requirements prescribed by the Program is carried out by independent certified inspectors.

(2) Those independent inspectors are accredited by the Bulgarian Accreditation Service, which. keeps a public register of all certified inspectors.

Article 122. The structure and organization of the National Environmental Management and Auditing Program, its management bodies, administration their respective competencies, and the requirements for the work of independent inspectors, are all defined by decree of the Council of Ministers.

Article 123. (1) A National Ecolabeling Standard is hereby established.

(2) The purpose of the Standard as per (1) above is to encourage the development, production, distribution and use of products capable of reducing negative environmental impacts as compared with other products of the same group.

(3) The purpose of the National Ecolabeling Standard can be attained by means of:

1. providing accurate, authentic and scientific information to the users of the product;
2. assessment of the environmental impact of the product, including the efficient use of energy and natural resources throughout its entire lifecycle.

Article 124. The Ecolabeling Standard is applied for and used on a voluntary basis.

Article 125. (1) The National Ecolabeling Standard does not apply to pharmaceutical and medical products as defined in § 1, item 40 of the Additional Provisions of the Medical Drugs for Human Use and Pharmacies Act, which are intended for professional use, prescription use or use under medical supervision, or to food and beverages.

(2) The introduction of the National Ecolabeling Standard is coordinated with other existing labeling standards or quality certification agreements.

Article 126. In order to be assigned an ecolabel, a product must meet all applicable safety, health and environmental standards and requirements.

Article 127. The scope of implementation of the National Ecolabeling Standard, the procedure and conditions for assigning an ecolabel to a product, and the type and manner of use of ecolabels are determined by decree of the Minister of the Environment and Waters.

(2) The requirements for assigning an ecolabel to products of any given group are defined by decree of the Minister of the Environment and Waters; the said requirements are then published in State Gazette.

Chapter Eight
NATIONAL ENVIRONMENTAL MONITORING SYSTEM

Article 128. The National Environmental Monitoring System covers the entire territory of the Republic of Bulgaria.

Article 129. (1) The National Environmental Monitoring System comprises:

1. the national networks for:

    a) monitoring of atmospheric air and of harmful emissions therein;

    b) monitoring of precipitation, surface waters and facilities generating waste water that is then discharged into natural water basins;

    c) monitoring of the underground aquifer;

    d) monitoring of the earth bowels, land and soils;

    e) monitoring of forests and protected areas and sites;

    f) radiological monitoring;

    g) monitoring of aircraft noise and of noise pollution generated by motor vehicles;

    h) monitoring of non-ionizing radiation;

    i) monitoring of landfills and of existing waste pollution sites.

2. the operation, communication and information and lab infrastructure available to the networks as per (1) above.

(2) The national environmental monitoring networks must be designed and built in conformity with national and international standards.

(3) The procedures and manner of establishment of networks as per (1), item 1 above are determined pursuant to the Waters Act, the Atmospheric Air Purity Act, the Underground Mineral Deposits Act, and the Limitation of the Harmful Impact of Waste on the Environment Act.

(4) A National Automated System for Ecological Monitoring shall be created to provide the information necessary for the National Environmental Monitoring System.

(5) The National Automated System for Ecological Monitoring shall operate at both national and regional levels.

(6) All measurements and laboratory tests are carried out by certified laboratories.

Article 130. The objectives of the National Environmental Monitoring System are as follows:

1. using data from the national monitoring networks to evaluate the state and condition of environmental components;
2. processing, analysis, visualization and storage of information from the networks as per item 1 above and from its own monitoring activities;
3. provision of updated information for operational control;
4. providing forecasts of the condition, environmental risk estimate and formulation of proposals for improvement of the environment;

5. provision of information to government authorities and the public at large;
6. development and support of an inventory of environmental components and factors affecting them;
7. exchange of information regarding the state and condition of the environment with the European Monitoring System.

Article 131. (1) For the purpose of carrying out their own, independent monitoring, all persons bound by the provisions of the Waters Act, the Atmospheric Air Purity Act, the Underground Mineral Deposits Act, and the Limitation of the Harmful Impact on the Environment Act, must develop a in conformity with the conditions and requirements provided in the comprehensive permit or the EIA report.

(2) The independent monitoring plan must be approved by the authority under whose provisions the person as per (1) above is bound.

(3) In approving the independent monitoring plan, the authority as per (2) above determine what information the persons carrying out independent monitoring must submit for entry in the National Automated System for Ecological Monitoring and the procedure and manner of entry therein.

Article 132. (1) The National Environmental Monitoring System is supervised by the Minister of the Environment and Waters.

(2) The Executive Environmental Agency is responsible for the establishment and operation, material, technical and software support of the National Automated System for Ecological Monitoring.

(3) The observations, measurements and tests and the primary processing of results are carried out by the regional inspectorates of the environment and waters unless provided otherwise by the special legislation.

(4) The Executive Environmental Agency provides methodological guidance for the monitoring activity.

(5) Assessments of the state and condition of the environment are carried out at both regional and national levels by the RIEW and the EEA.

(6) The assessments data of the state and condition of the environment are published in quarterly and annual Environmental Bulletins.

(7) The data from observations and assessment carried out by the National Environmental Monitoring System, and from independent monitoring efforts, provide the basis for control and sanctions in cases of violations.

Chapter Nine
CONTROL

Section I
General Conditions

Article 133. (1) The Ministry of the Environment and Waters performs its environmental protection functions by controlling the quality of environmental components and the factors affecting them.

(2) Government control may be preventive, on-going or follow-up.

(3) Government control is carried out at a national level by the Minister of the Environment and Waters or by officials authorized by him/her and, at a regional level, by the directors of the regional inspectorates of the environment and waters, the directors of water basin directorates, national park directors, mayors of municipalities, or by officials authorized by those.

Article 134. (1) The authorities as per Art. 133 (2) above must be granted free access to all facilities, areas and territories for the purpose of inspecting, measuring or taking of samples from existing or potential sources of environmental pollution or damage.

(2) Access to sites and facilities operated by the Ministry of the Interior or the Ministry of Defense can be granted by the chief of the regional directorate of the respective Ministry.

(3) Government agencies and their administrations, public and private organizations, legal entities and citizens are obligated to cooperate with the controlling bodied in the fulfillment of their official duties.

Article 135. Physical persons and legal entities possessing and using water treatment and waste disposal facilities shall ensure the operation of those in compliance with the provisions of the applicable legislation with the conditions set in the relevant EIA decisions, comprehensive permits and administrative instructions and ordinances.

Article 136. Where violations of administrative regulations are established during inspection, the authorized control bodies must draw up a statement of violation.

Section II
Preventive Control

Article 137. Preventive environmental protection control is carried out through the EIA process, through the approval of programs, plans and investment projects and by the mechanism of issuing comprehensive and other permits.

Article 138. (1) The purpose of preventive control is to prevent pollution and/or damage of the environment in excess of admissible levels as applicable prior to the realization of the proposed and/or planned activity.

(2) In fulfillment of its duties for the purpose of attaining the objectives of preventive control, the authorities as per Art. 133 (3) above may issue cautionary statement to physical persons, the management bodies of legal entities and small businesses subject to their control.

(3) The cautionary statements as per (2) above must clearly state the facts or circumstances perceived as likely to damage or pollute of the environment and must contain enforceable prescriptions for future avoidance of the facts and/or circumstances as stated.

(4) The prescriptions contained in the statements as per (3) above are binding to the person or entity subject to the inspection.

Section III
On-Going and Follow-Up Control

Article 139. (1) On-going control is control of the quality of environmental components and the factors affecting these; of compliance with the provisions of permits and EIA reports issued by the Ministry of the Environment and Waters and the regional inspectorates of the environment and waters; and of the measures prescribed in the respective programs.

(2) On-going control is carried out by inspections, observations and measurements.

(3) On-going control necessitates access by the controlling bodies to:

1. the independent monitoring data of the facility;
2. information about the facility's production activity;
3. property and assets owned by the state, municipality or private individuals.

Article 140. (1) In the process on-going control, the authorities as per Art. 133 (3) may issue summonses to violators.

(2) A summons as per (1) must clearly state the established facts and circumstances of the violation; it must also contain enforceable prescriptions for rectifying these violations and must nominating the persons responsible for, and state the terms of implementation thereof.

Article 141. Follow-up control is carried out by following up on:

1. the results the implementation of measures provided in the EIA reports and the permits, as well as the results of the implementation of investment projects;
2. the fulfillment of prescriptions issued to violators in the course of preventive and on-going control.

Article 142. The issuing of summonses and penalties to violators is an integral part of the on-going and follow-up control.

Chapter Ten
COERCIVE ADMINISTRATIVE MEASURES AND ADMINISTRATIVE AND PENAL RESPONSIBILITY

Article 143. The Minister of the Environment and Waters or duly authorized representatives thereof may apply coercive administrative measures in cases of:

1. emergencies or disasters caused by action or inaction by owners or users of facilities and areas;
2. clear and present danger of pollution or damage of the environment or of damage to the health or property of individuals;
3. prevention or elimination of administrative violations related to environmental protection, as well as prevention and/or elimination of the harmful effects of such violations;
4. violations as per Art. 135 above.

Article 144. (1) The following types of coercive administrative measures apply: preventive, terminative and restorative.

(2) In imposing coercive administrative measures, the Minister of the Environment and Waters or duly authorized representatives thereof may suspend, by issuing a well-grounded administrative order, the commercial activities carried out by owners or users of areas; or may deny owners and users access to facilities, areas and territories, including, where necessary, by sealing off access gates or doors.

(3) The method of marking or sealing as per (2) are approved by executive order of the Minister of the Environment and Waters.

Article 145. (1) Coercive administrative measures are imposed by means of well-grounded administrative orders issued by the authority as per Art. 143 above.

(2) An administrative order as per (1) above must determine the type of coercive administrative measure imposed and the manner of enforcement thereof.

(3) The administrative order whereby a coercive administrative measure is imposed must be delivered to the person subject to such a measure in strict conformity with the procedure established by the Civil Procedure Code.

(4) The administrative order whereby a coercive administrative measure is imposed may be appealed by the persons affected in compliance the Supreme and Administrative Court Act.

(5) Appealing an administrative order whereby a coercive administrative measure is imposed does not reverse the implementation thereof.

Article 146. (1) The Minister of the Environment and Waters may appeal any acts of the government administrations issued in contravention of environmental protection legislation.

(2) Appeals as per (1) above must be referred to the Supreme Administrative Court.

(3) An appeal as per (1) above results in the suspension of the government act appealed against.

Article 147. (1) For violations of this Act that do not constitute felony, the perpetrators, whether private citizens or officials, such as mayors of municipalities, regions, populated areas, and others are liable to fines of 100 to 6,000 leva; while legal entities and small businesses are liable to fines of 1,000 to 20,000 leva.

(2) For repeated violations, the amount of the fine is doubled.

(3) For violations of clearly lesser significance committed by physical persons, the fine is 100 leva.

Article 148. Independent environmental impact assessment experts found in violation of Art. 91 (2) above, are liable to a fine of 1,000 to 10,000 leva, unless liable to more severe punishment.

Article 149. For non-compliance with the provisions of Art. 107 (1) and Art. 109 herein, the facility operator, if a physical person, is liable to a fine of 1,000 to 10,000 leva, if a legal entity, to a fine of 10,000 to 100,000 leva.

Article 150. (1) An officials with a facility subject to inspection who denies access to the grounds of the facility to a control authority for carrying out inspection, measurements or sample taking, is liable to a fine of 2,000 to 20,000 leva.

(2) A legal entity or small business whose employees commit a violation as per (1) is liable to a fine of 2,000 to 20,000 leva, irrespective of whether the control authority can or cannot identify the offending employee.

Article 151. The penalties provided as per Art. 150 above be imposed also on persons who:

1. fail to submit the existing independent monitoring data to the control authorities;
2. violate the terms and conditions as provided in the permits and EIA reports;
3. fail to observe the prescriptions contained in cautionary statements and summonses as per Art. 140 above, issued by the Minister of the Environment and Waters or by duly authorized representatives thereof.

Article 152. For the purposes of this Act, such cautionary statements and summonses are issued by officials appointed by the Minister of the Environment and Waters or by duly authorized representatives thereof.

Article 153. For the purposes of this Act, penalties are issued in accordance with the Administrative Violations and Penalties Act, by the Minister of the Environment and Waters or by duly authorized representatives thereof.

Article 154. (1) Statements attesting to administrative violations may also be issued by public activists an by representatives of non-governmental organizations appointed by the Minister of Environment and Waters or by duly authorized representatives thereof.

(2) Penalties for violations as per (1) above are issued by the Minister of Environment and Waters or by duly authorized representatives thereof.

Chapter Eleven
CIVIL LIABIILTY

Article 155. (1) A person found guilty of causing damages to others through environmental pollution or damage shall be liable to provide compensation to the aggrieved party.

(2) In cases of damage to state property, the following persons are authorized to file a claim as per (1) above:

1. the Minister of the Environment and Waters, where damages have occurred in more than one administrative region;
2. the Regional Governor, where damages have occurred in more than one municipality.

(3) In cases of damage to municipal property, the mayor of the municipality is authorized to file a claim as per (1) above.

Article 156. Aggrieved persons and the persons as per Art. 155 (1) and (2) above may file civil lawsuits against the offender in order stop the violation and eliminate the effects of pollution, irrespective of where the damages have occurred.

Article 157. The elimination of the consequences caused by trans-boundary environmental pollution is carried out pursuant to international treaties to which the Republic of Bulgaria is a signatory.

ADDITIONAL PROVISIONS

§ 1. For the purposes of this Act:

1. "environment" means a complex of natural and anthropogenic factors and components in a state of mutual dependency, which influence the ecological balance and the quality of life and health of citizens, the cultural and historical heritage and the landscape.
2. "environmental protection" – a complex of activities aimed at preventing environmental degradation, at the restoration, conservation and improvement thereof.
3. "natural resources" – the elements of biotic and abiotic nature used or useable by humans in satisfying their needs.
4. "renewable resources" – resources which are restored in a natural manner or which may be completely or partially restored by special efforts and/or have a proven capacity for restoration at rates commensurate with the rates of their depletion. All other resources are non-renewable.
5. "environmental pollution" – a change in the quality of the environment as a result of the emergence and introduction of physical, chemical or biological factors from natural or anthropogenic sources within or outside the country, irrespective of whether these factors exceeded any applicable environmental standards.
6. "environmental damage" – a change in one or more environmental components leading to deterioration of the quality of life of people, depletion of biodiversity or difficulties in the restoration of the natural ecosystems;
7. "available primary information" – data constituting the results of measurements, tests, observations and other similar activities not including analyses, forecasts or explanations, gathered as part of the duties of the competent administration and not in response to an explicit requests by an interested party.
8. "specifically processed information" – information gathered or processed, summarized and analyzed upon request by an interested party.
9. "available pre-processed information" – information processed, summarized and analyzed as part of the duties of the competent administration and not in response to an explicit requests by an interested party.
10. "information gathering" – such actions on the part of the competent administration and of the legally bound physical persons or legal entities as are undertaken to measure, establish and observe the facts constituting primary information and to process that information.
11. "provision of information" – an act by a legally bound person of making information available to the competent administration or authority.
12. "presentation of information" – an act whereby interested persons are given access to the available information.
13. "soil" – the upper layer of the earth's crust to the extent to which it performs soil functions, including its liquid (soil solution) and gaseous components (soil air), not including the underground aquifer, river beds and the sea floor;
14. "soil functions" are:
    1. The basis for life and living space for people, animals, plants and soil organisms;
    2. An element of the natural balance, especially with its circulation of water and nutritious substances.

15. “harmful soil changes” – disturbances of the soil functions causing significant harm and damage to the individual and to the community in general:

    a) chemical pollution in excess of the admissible levels of heavy metals and metalloids, resistant organic pollutants, pesticides and oils, including salinization and harmful acidity;

    b) above-standard pollution with fresh fertilizer residues and concentrated mineral fertilizers and with various types of waste;

    c) physical degradation such as water and wind erosion with its anthropogenic aspects, over-humidity and swamping, the effects of burning stubble and plant residue.

16. “proposal” – a term encompassing all preliminary (pre-investment) studies or terms of reference for the design in relation to a request for approval of an investment project for new construction, activity or technology and/or introducing substantial changes in an existing activity as may requiring an environmental impact assessment and decision as per Chapter Six hereof.

17. “impact” – any effect on the environment, including the health and safety or citizens, flora, fauna, soil, air, water, climate, landscape, historical monuments and other material assets or the interaction of those factors, that may be caused by the proposal for construction, activity or technology.

18. “trans-boundary impact” – any impact, not only global, in a territory under the jurisdiction of a given country, caused by an activity whose physical source is located, wholly or partially, in a territory under the jurisdiction of another country.

19. “project decision” – a document regulating the procedure and method of construction work, extraction of natural resources, the erection and operation of installations;

20. “investor or proposal initiator” – the applicant for a permit for the realization of private, municipal or governmental projects.

21. “interested parties in the trans-boundary context” – the country of origin and the affected country as identified by an environmental impact assessment in keeping with this convention.

22. “zero option” – the possibility, as provided in the project, not to realize the proposal.

23. “non-technical summary” – a brief presentation of the information in the EIA report in a language understandable to the broad public, in a volume of no less than 10 per cent of the volume of the statement and containing all visual aids (maps, photographs, diagrams).

24. “extension” – the construction of a new facility on the grounds of an existing one and any addition or superstructure to an existing building constituting a facility or grounds for performing an activity listed in the Appendices hereto.

25. “technical facility” – a stationary technical unit in an enterprise or in a treatment installation where waste water, chemical substances and agents are treated, produced or stored. This includes the entire equipment: pipes, machines, and controls.

26. “environmental impact assessment decision” – an instrument of the competent authority defined as per Chapter Six herein, whereby said authority approves the designing of the proposed building or activity for a location (site, route) determined by means of the assessment, or the realization of the project on the basis of an EIA report in consideration of the public opinion and explicit opinions of interested physical persons and/or legal entities.

27. “enterprise” – the entire area under the control of the operator in which hazardous chemical substances or agents are stored, used or operated in one or more technical facilities, including shared or connected infrastructures or activities.

28. “substance” – any chemical element or compound, not including radioactive substances as defined pursuant to Paragraph 1, item 2 of the Use of Nuclear Energy for Peaceful Purposes and Genetically Modified Organisms Act.

29. “industrial pollution” – any direct or indirect release or introduction into the air, water or soils, as a result of human activity, of substances, vibrations, heat radiation or noise as may have a negative impact on human health or the environment, may cause damage to material assets, or may inhibit or render impossible the use of the beneficial qualities of the environment.

30. “installation” is:

    a) each individual installation listed as per Appendix 4 hereto, including individual technical facilities direct related thereto and which may have an impact on pollution, emissions and waste generation in result of the operation of the installation;

    b) any technical facility comprising one or more installations listed per Appendix 4 hereto;

    c) another technical facility or installation whose operator has submitted an application for comprehensive permit for its operation in compliance with the provisions of Chapter Seven herein.

    Technical facilities or installations designed for research & development purposes are not covered by this definition.

31. “operational installation” – any installation already commissioned or which has received a positive EIA report in compliance with legislation valid prior to the adoption of this Act, provided that said installation was commissioning not later than one year from the date of the EIA report.

32. “change in the operation of the installation” – any reconstruction involving change of the nature of the operation of the installation, its functioning or extension of the installation that may have a certain impact on the environment.

33. “emission” – the direct or indirect release of substances, vibrations, heat radiation and noise in the air, waters or soils from the stationary or mobile sources within a given installation.

34. “admissible emission level” – a strictly defined value of concentration and/or level of emission of a substance that may not be exceeded during one or more pre-set periods of time. Admissible emission levels may be defined also for groups, classes or categories of substances.

35. “environmental quality standards” – specific requirements set in environmental legislation to be met in the environment as standards for the contents and concentration of harmful substances in the atmospheric air, and standards for the quality of water in water sources and basins.

36. “comprehensive permit” – an individual administrative instrument granting permission for the operation of a certain installation or technical facility, part(s) thereof, under specified conditions ensuring compliance of the installation or technical facility with the provisions Chapter Seven hereof. A permit may apply to one or more installations (or parts of different installations) located at the same site and operated by the same operator.

37. “change of production activity” – any reconstruction involving changes of the nature or essence of the production activity, the functioning or extension of the installation, that may have certain impact on the environment.

38. “substantial change” – such a change in the operation of an installation as may, according to the competent authorities, cause significant negative impacts on the health of citizens or the environment;

39. “best techniques available” – the most efficient and advanced stage in the development of production activities and methods, demonstrating the practical applicability of any given technique to provide, in general, the legal basis for defining admissible emission standards designed to eliminate and, where this is impracticable, reduce emissions and the impact on the environment in general;

    a) “techniques” includes both the technology used and the methods of design, construction, maintenance, operation and liquidation of the installation;

    b) “available techniques” – techniques developed at a scale enabling implementation thereof in the respective industrial sector under economically and technically viable conditions and in consideration of all costs and benefits inherent in them, regardless of whether they are used or produced in the respective country, provided that they are reasonably accessible to the operator;

    c) “best” – the most effective in achieving a high level of protection of the environment in its entirety;

40. “operator” – a physical person or legal entity that is the legal owner of an installation or exercises control over its operation;

41. “organization” – a company, association, firm, enterprise, government agency or institution, part or combination thereof, or having another status pursuant public or private law, with its own function and administrative structure.

42. “environmental management system” – part of the general management system which includes the organizational structure, planning activities, responsibilities, practices, processes and resources for the development, introduction, attainment, evaluation and sustenance of an environmental policy;

43. “environmental performance” – the measurable results of an environmental management system related to control by the organization of its environmental aspects based on its environmental policy and on the general and specific environmental objectives;

44. “audit of an environmental management system” – systematic and documented process of inspection for objective gathering and assessment of evidence whether the environmental management system of any given organization conforms to the auditing criteria set by the organization, and for notification of the management of the organization of the results of that process;

45. “site” – the entire area having a specific geographic location managed by an organization, where the organization’s activity, production or service are based. This includes the infrastructure, equipment, raw and processed materials.

46. “lead sealing” – technique of restricting the access of persons to property and facilities by placement of a lead seal by the control authority.

47. “paper sealing” – technique of restricting the access of persons to property and facilities by placement of a paper strip with a rubber seal by the control authority.

48. “environmental damage ensuing from past action or inaction” – past pollution of the grounds or structures of industrial sites with hazardous substances and waste generated by

industrial, farming, commercial or transportation activities and resulting in hazards for human health and the environment.

49. "sustainable development" – development meeting the needs of the present without restricting or upsetting the possibilities for future generations to satisfy their own needs. Sustainable development combines two principal aspirations of society:

    a) attainment of economic growth ensuring rising living standards;

    b) conservation and improvement of the environment now and in the future.

50. "industrial accident" – a sudden technological failure of machines, technical facilities and installations involving stoppages or serious disturbances of the industrial process, explosions, fire, above-standard environmental pollution, destruction, casualties or threats to the life or health of the population.

51. "environmental monitoring" – the gathering, assessment and summarizing of environmental information by means of continuous or periodic observation of certain qualitative and quantitative indicators demonstrating the condition of environmental components and changes therein, ensuing from the effect of natural and anthropogenic factors.

52. "national environmental monitoring system" – a complex of measuring, analytical and information activities aimed at providing timely and reliable information about the state and condition of environmental components and the factors affecting them, as may be used for analysis, assessments and forecasts in support of environmental conservation and protection of the environment against harmful impacts.

§ 2. Where this Act requires notification or announcement and where no explicit rules or strict procedures apply, such notification and announcement, respectively, shall be carried out in accordance with the Civil Procedure Code.

TRANSITIVE AND CONCLUDING PROVISIONS

§ 3. Any bylaws, regulations, ordinances, decrees and other legislative or administrative instruments provided for pursuant to this Act must be adopted or issued within one year from the enactment hereof.

§ 4. Until the legislative or administrative instruments as per **§ 3** above are in place, those pertinent to the enforcement of the Environmental Protection Act (1991) shall remain in effect.

§ 5. Until the regulatory instruments relevant to the activities as per Art. 129 (1) are in place, methods prescribed by, and instructions of the Minister of the Environment and Waters shall apply.

§ 6. Arrears on fees, fines and penalties imposed pursuant to this Act and pursuant to the Waters Act, the Limitation of the Harmful Impact of Waste on the Environment Act, and the Atmospheric Purity Act, shall be collected together with the interest accrued on taxes, fees and other official dues under the Taxation Procedure Code.

§ 7. (1) In the event of privatization, except for the privatization agreements concluded prior to February 01, 1999 by foreign and Bulgarian physical persons and legal entities, liability for damages caused to the environment as a result from past action or inaction, shall lie with the State under conditions and procedure set forth in an instrument of the Council of Ministers.

(2) Appraisal of the damages as per (1) above up to the date of privatization shall be carried out in conformity with methods and regulations approved by the Minister of the Environment and Waters.

§ 8. The requirements for issuance of comprehensive permits as per Chapter Seven herein shall apply to:

1. for new or operational installations and facilities, where the latter are subject to change of the production activities, as of January 1, 2003;

2. for operational installations and facilities, as of January 1, 2003 through January 1, 2012.

§ 9. The following amendments and supplementations are made to the Limitation of the Harmful Impact of Waste on the Environment Act (published SG, # 89/1997):

1. Article 12 (1) is amended as follows:

"**Article 10**. (1) The following shall be required for collection, storage and neutralization of waste:

"1. a permits as per Chapter Five hereof, or

"2. comprehensive permits as per Chapter Seven of the Environment Act."

2. Article 28 is amended and supplemented as follows:

a) a new paragraph (2) is introduced as follows:

"(2) the programs as per paragraph (1), item 1 are an integral part of the municipal environmental programs as per Article 83 of the Environment Act; these are developed, approved, supplemented and updated in accordance with the procedures for development, approval and updating of municipal environmental programs."

b) the previous paragraph (2) become (3) whereby the words "as per paragraph (1)" is followed by "item 2 and item 3".

3. a new paragraph (3) is introduced under Article 51.

"(3) The import of waste into the country is prohibited:
"1. where the chemical composition thereof is unknown and/or no methods of chemical analysis applicable in the Republic of Bulgaria are available;
"2. for the purpose of storage, disposal or any other form of neutralization;
"3. for processing purposes, where the installation where such processing is to be carried out does not possess the requisite permit issued pursuant to Chapter Five hereof and Chapter Seven of the Environment Act."

4. A new Article 67a is introduced:
"**Article 67a**. For violations as per Article 9, paragraph (1), physical are liable to a fine of 200 to 2,000 leva while legal entities and small businesses are liable to a fine of 1,000 to 5,000 leva."

5. A new Article 67b is introduced:
"**Article 67b**. For violations of this Act that do not constitute felony, physical persons are liable to a fine of 200 to 2,000 leva, while legal entities and small businesses are liable to a fine of 1,000 to 5,000 leva."

6. Article 68, paragraph 2 is supplemented as follows: the period at the end of the sentence is deleted and the expression "and persons authorized thereby" is added.

7. A new Chapter Seven is introduced as follows:
"**Chapter Seven**
"**HAZARDOUS AND WIDESPREAD WASTE MANAGEMENT ENTERPRISE**
……

"**Article 69**. (1) A Hazardous and Widespread Waste Management Enterprise, further in the text to be referred to as 'the Enterprise', is established having the status of a state enterprise pursuant to Article 62, paragraph (3) of the Trade Act.

"(2) The enterprise is a legal entity based in Sofia.

"**Article 70**. (1) The main subject of activity of the enterprise is: environmentally sound management of hazardous and widespread waste.

"(2) The enterprise shall carry out other activities to ensure, supplement or complement the main subject of activity.

"**Article 71**. In fulfillment of its main subject of activity, the enterprise shall:

"1. participate in the preparation of on-going and long-term national widespread waste management plans;

"2. conduct analyses and studies on waste generation and treatment and of the consumption of products generating widespread waste in the course of manufacture, use or disposal thereof;

"3. participate in the implementation of measures included in the National Waste Management Program;

"4. provide consulting and methodological assistance to municipal administrations in the development of waste management projects and in the implementation of separate waste collection programs;

"5. organize the nation-wide implementation of systems for separate collection, processing and/or neutralization of widespread waste;

"6. expend proceeds from fees as per Article 36 of the Limitation of the Harmful Impact of Waste on the Environment Act in accordance with an annual action plan approved by the Managing Board of the NEPF.

“7. draw up proposals for agreements and contracts between the Ministry of the Environment and Waters and municipalities, trades unions and companies specializing in separate collection, processing and/or neutralization of widespread waste;

“8. carry out assignments commissioned by the Ministry of the Environment and Waters in implementation of agreements and contracts with municipalities, associations and companies for separate collection, processing and/or neutralization of waste;

“9. construct and operate waste treatment facilities;

“10. participate in other commercial entities active in collection, storage, processing and/or neutralization of waste, including by acquiring equity in joint ventures with municipalities, foreign investors or local companies involved in projects financed by the Ministry of the Environment and Waters for construction of a national waste treatment infrastructure;

“11. create and maintain an information system and database on widespread and hazardous waste;

“12. provide information on widespread waste management to the Ministry of the Environment and Waters;

“13. organize public awareness campaigns on issues of widespread waste management;

“14. assist the competent authorities in the development of regulatory instruments, guidelines and instructions on waste management;

“15. carry out other widespread waste management activities as commissioned by the Ministry of the Environment and Waters;

“**Article 72**. The enterprise shall be entrusted with the management of private and public state property by force of a deed issued by the Council of Ministers.

“**Article 73**. (1) The enterprise may be held liable to the amount of its property, which is wholly owned by the State.

“(2) The enterprise cannot be subject to insolvency suits.

“**Article 74**. (1) The enterprise is authorized to dispose of funds and property as follows:

“1. funds remitted by the NEPF, constituting proceeds from fees as per Article 36 of the Limitation of the Harmful Impact of Waste on the Environment Act pursuant to the plan approved by the Managing Board of the NEPF under Article 75, paragraph 1;

“2. donations, voluntary contributions and aid by Bulgarian and foreign physical persons or legal entities and organizations, including ones under international contracts and intergovernmental agreements;

“3. revenue from waste treatment services and activities;

“4. participation in commercial entities;

“5. interest on the bank accounts of the enterprise;

“6. loans.

“**Article 75**. (1) Not later than October 30th of every year the enterprise submits for approval by the Ministry of the Environment and Waters a plan for its activities during the subsequent year.

“(2) The plan must include the activities under Article 71 and must contain at least the following components:

“1. objectives and expected results;

"2. activities to be conducted in order to attain the results aimed at, including an investment plan of the enterprise;

"3. plan for management of the funds under Article 74, developed on the basis of projected expenditure and revenue.

"(3) The funds under Article 74, item 1 shall be remitted by the NEPF in keeping with the approved plan as per paragraph (2) item 3 above.

"(4) The enterprise may apply to the NEPF for additional funds in accordance with the regulation as per Article 68 hereof.

"(5) Not later than February 28th of each year, the enterprise must submit to the Ministry of the Environment and Waters an annual report of activities fore the preceding year.

"(6) The NEPF Managing Board approve the plan for the activities of the enterprise under paragraph 1 and the annual report under paragraph 5.

"(7) Funds for administrative expenditures of the enterprise are approved by the NEPF Managing Board simultaneously with the plan as per (1) above.

"**Article 76**. (1) The enterprise is managed by a Managing Board.

"(2) The enterprise is represented by its Executive Director.

"(3) The Managing Board comprises five members, including a Chairman.

"(4) Members of the Managing Board are: the Chairman, who *ex officio* is the deputy Minister of the Environment and Waters responsible for waste management; two representatives of the Ministry of Environment and Waters, one of the Ministry of Finance and the Executive Director.

"(5) The Managing Board and the Executive Director are appointed by the Minister of the Environment and Waters.

8. In §1, item 2, second sentence of the Additional Provisions, the words: "where that does not constitute hazardous waste and is of a composition and quantity that would allow its being treated alongside household waste" are deleted and replaced by: "which are similar in type and composition to household waste".

§ 10. The following supplementations are made to the Underground Mineral Deposits Act (SG, # 23/1999):

1. A new item 4a is introduced under Art. 1, paragraph (2), as follows:

"4a. Extraction of inert materials from riverbeds and floodplains, from corrections of riverbeds, from water reservoirs and their adjacent lands."

2. A new Article 92a is introduced, as follows:

"Art. 92a. Persons performing activities pertinent to the use, primary processing or mining of underground mineral deposits are obligated by law to undertake steps for the rehabilitation of terrains disturbed as a result thereof."

3. A new paragraph (3) is introduced in Art. 94, as follows:

"(3) for violations of Art. 92a, physical persons are liable to fines of 5,000 to 10,000 leva, while legal entities and small businesses are liable to fines of 10,000 to 50,000 leva."

§ 11. The following amendments are made to the Protection Against the Harmful Impact of Chemical Substances, Agents and Products Act (SG, # 10/2000):

1. In Art. 14, the words "as defined pursuant to the decree as per Art. 31" are3 deleted.

2. Art. 31 is repealed.

§ 12. The following amendments and supplementations are made to the Waters Act (SG, # 67/1999, amended and supplemented, SG, # 81/2000):

1. a new item 5 is introduced under Article 13, as follows:
"5. sources of mineral waters as per Article 14, item 2."

2. a new item 3 is introduced under Article 33, paragraph (1), as follows:
"3. In property located along the perimeters of sanitary protection belts around water sources and drinking water supply facilities and around sources of mineral waters used for medicinal, prevention, drinking and personal hygiene purposes".

3. a new A 38a is introduced, as follows:

"**Article 38a.** (1) Owners of lands within the perimeters of sanitary protection belts around water sources and drinking water supply facilities and around sources of mineral waters used for medicinal, prevention, drinking and personal hygiene purposes are obligated to observe any prohibitions and restrictions imposed for the sanitary protection belt within whose perimeter the property is located.

"(2) Activities in the middle and outer rings of the sanitary protection belt for which restrictions are imposed, are allowed only provided that the initiators of the activity provide specific evidence and environmental impact assessment to prove that the activity will not cause negative impacts on the water source.

"(3) Compensation for expropriation of lands in the innermost ring of the sanitary protection belt is provided pursuant the State Property Act or pursuant to the Municipal Property Act.

"(4) Compensation to persons for missed benefits as a result of enforcement of prohibitions and restrictions within the perimeter of their property must be provided by the holder of the water use permit.

"(5) Compensation to persons as per (1) above in cases where existing activities must be brought into compliance with the provisions of the regulation as per Art. 135, item 6, must be provided by the owner of the water supply system.

"(6) The amount of compensation for missed benefits as a result of restrictions imposed on the cultivation of farmlands is calculated using methods approved by the Minister of Agriculture and Forests for calculation of compensation for missed benefits as a result of limited application of agrochemical agents in the sanitary protection belts.

"(7) The amount of compensation for bringing of existing activities into compliance is calculated only once, depending on the cost of prescribed measures.

"(8) Any prohibitions and restrictions within the sanitary protection belts are defined by force of the regulation as per Article 135, item 6."

4. Article 46 shall be amended and supplemented as follows:

a) in paragraph (1), item 3, following the word "including", the words "for extractions of sand, gravel and others" are added.

b) in paragraph (3), the words "the Environmental Protection Act" are replaced by "the Environment Act".

c) in Article 53, the words “on recommendation by interested water users” are deleted.

5. Article 129 is amended and supplemented as follows:

a) in paragraph 1, the word “establish” is replaced with “constitute”.

b) a new paragraph 2 is introduced as follows:

“(2) Sanitary protection belts (SPB) are constituted:

“1. by order of the Director of the Water Basin Directorate;

“2. by order of the Minister of the Environment and Waters for sanitary protection belts around mineral water sources and where the sanitary protection belt is located in the territory of more than one water basin management region;

“3. by resolution of the Council of Ministers, where the proposed sanitary protection belt covers lands outside the country’s territory.

c) new paragraphs 3, 4, 5 and 6 are introduced, as follows:

“(3) The innermost ring of the sanitary protection belt around a river water catchment zone covers the area including the section of the river and the floodplains within no less than 500 m above and 50 m below the water catchment zone. For water catchment zones involving mountain streams with floodplains of negligible size, the boundary of the innermost ring is set as no less than 30 m on both sides of the river.

“(4) The innermost ring of the sanitary protection belt for a water catchment zone based on a water reservoir covers the entire area from the dam up to 1,000 m upstream of the catchment, and a 50 m wide strip of land outside the natural perimeter adjacent to the water body.

“(5) The innermost ring of the sanitary protection belt for a water catchment zone based on a lake covers the entire surface of the lake and a 50 m wide strip of land outside the natural perimeter adjacent to the water body.

“(6) The boundary of the innermost ring of the sanitary protection belt for a source of unprotected underground water is defined as the vertical projection on the earth’s surface of a curve made up of all points of the water catchment area, from which the water would reach the water source in 50 days; in any event, this perimeter cannot be less than 50 m on any side of the water source. For sources of protected underground waters and water sources within urban areas, the perimeter of the innermost ring of the sanitary protection belt must be between 5 an 15 m on all sides of the water source.”

d) the previous paragraph (2) becomes (7).

6. In Article 151, item 1, sub-item f, the word “use” is replaced with the words “spa treatment and prevention, used”.

7. In §4, paragraph (2), the word “cede” is followed by the words: “by resolution of the Council of Ministers”.

8. In §5, paragraph (1), the word “use” is replaced with “water use”.

9. In §6, paragraph (1), the words “2 and” are deleted.

10. In §10, new paragraphs (3) and (4) are introduced, as follows:

“(3) The sanitary protection belts around drinking water sources and supply facilities and mineral water sources, constituted and approved prior to the entry into force of this Act,

must be brought in compliance with the requirements of the regulation under Article 135, item 6, not later than the year 2010.

"(4) The boundary of the innermost ring of sanitary protection belts around drinking water sources and supply facilities under paragraph (3) remains unchanged."

11. In § 13, paragraph (2), the words "from one" and "determined by order of the Minister of the Environment and Waters" are deleted.

§ 13. The following amendments and supplementations are made to Art. 27 of the Atmospheric Purity Act (published SG, # 45/1996; amended SG, # 49, 1996; amended and supplemented, SG, # 85, 1997 and SG, # 27, 2000):

1. in paragraph (1) the words "the municipal authorities draft and adopt…" are replaced with "the mayors of municipalities elaborate…".

2. the text of paragraph (2) is amended as follows:

"(2) Programs as per paragraph (1) constitute an integral part of the municipal environmental programs as per Art. 83 of the Environment Act and are developed, adopted, supplemented and updated in accordance with the procedures for development, adoption and updating of municipal environmental programs."

§ 14. The Environmental Protection Act (published in SG # 86/1991; amended 90/1991; amended and supplemented 100/1992; 31 and 63/1995; 13,85 and 86/1997, 62/1998; 67/1999; 26, 27 and 28, year 2000) is hereby repealed.

§ 15. Overall supervision of the enforcement of this Act is the responsibility of the Minister of the Environment and Waters.

§ 16. This Act shall become effective three days from publication thereof in State Gazette.